

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MICHAEL J. GREENE,

Plaintiff,

v.

Civil Action No. 2:18-cv-00414

SGT. JESSIE SMITH, et. al.,

Defendant.

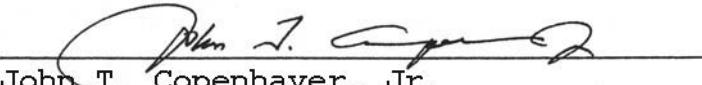
MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on April 3, 2019; and the magistrate judge having recommended that the court dismiss this matter, without prejudice, because the plaintiff has proceeded on a second amended complaint in Case. No. 2:17-cv-02897, which incorporates all of the allegations contained in the complaint filed herein, and deny as moot the plaintiff's application to proceed without prepayment of fees and costs; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

It is, accordingly, ORDERED that the plaintiff's complaint be, and it hereby is, dismissed without prejudice.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: May 3, 2019


John T. Copenhaver, Jr.
Senior United States District Judge